

MEMORANDUM

Re: Joseph M. Sims

Case No. 18-00004-01-CR-W-DGK



Violation Report - Warrant Recommended

February 5, 2024

TO THE HONORABLE GREG KAYS
U.S. DISTRICT JUDGE:

Sentencing History

Offense: Felon in Possession of a Firearm and Ammunition

Date Sentence Imposed: 6/21/2019 Sentence Imposed: 78 months custody
36 months TSR
\$100 special assessment

Special Conditions:

Financial Disclosure
Substance Abuse Treatment and Testing
No Alcohol
WDMO Employment Guideline
Mental Health Treatment
Search and Seizure
Satisfy Warrants/Pending Charges

Upon Sims' release from the Bureau of Prisons on August 31, 2023, he relocated to the Western District of North Carolina for courtesy supervision. On October 30, 2023, Sims relocated to South Carolina, and the District of South Carolina agreed to accept courtesy supervision.

Date Supervision Began: 8/31/2023 Expiration Date: 8/30/2026

Alleged Violations

Violation of Mandatory Condition, which reads, "You must not commit another federal, state or local crime."

Violation of Special Condition, which reads, "The defendant shall not consume or possess alcoholic beverages or beer, including 3.2 percent beer, at any time, and shall not be present in any establishment where alcoholic beverages are the primary items for sale."

Violation of Standard Condition, which reads, “You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.”

On January 24, 2024, the Probation Office received information from the District of South Carolina regarding a new law violation Sims was involved in. According to a police report, on January 13, 2024, Myrtle Beach, South Carolina, police officers responded to 3000 North Ocean Boulevard, Room 531, Myrtle Beach, South Carolina in reference to a disturbance. Upon arrival, officers spoke to the victim who reported she and Sims, whom were in a romantic relationship were involved in a verbal argument, and he threatened to kill her. The victim reported that after a day of drinking, Sims came to the hotel room and told her he was going to throw her off the balcony. The victim stated at that moment she feared for her life. At that time, she stated, Sims put a towel over her mouth, put his hands around her neck and plugged her nose shut. She stated she had faked a medical emergency in order for him to call emergency services (which he did not) and stated, “I will watch you die.”

Sims was located in the hotel room and was arrested for domestic violence in the 2nd degree. According to Sims’ supervising officer in the District of South Carolina, the victim has an active order of protection against Sims.

Furthermore, Sims is no longer residing in South Carolina, and has once again relocated to the Western District of North Carolina. According to the information received, Sims originally resided with his fiancée in North Carolina; however, due to being kicked out of her residence, he resided with the victim in South Carolina. Neither the District of South Carolina nor the Western District of North Carolina will accept courtesy supervision of Sims. It is believed he is residing with his fiancée in North Carolina. Currently, Sims has no approved home plan.

Violation of Mandatory Condition, which reads, “You must refrain from any unlawful use of a controlled substance.”

<u>Type of Test/Specimen No.</u>	<u>Test Date</u>	<u>Test Result</u>
Urinalysis/B000027525	09/06/2023	Cocaine/Cocaine Metabolite

On January 24, 2023, the Probation Office received information that the above-noted urinalysis sample (Specimen B000027525) provided by Sims in the Western District of North Carolina returned from the laboratory positive for cocaine/cocaine metabolite.

Previous Violations in Instant Supervision

None.

Supervision Adjustment

Upon Sims' release from the Bureau of Prisons on August 31, 2023, his supervision was relocated to the Western District of North Carolina. At that time, he was residing with his fiancée. After several months, Sims was kicked out of the residence, and requested to reside with his female friend in South Carolina. It should be noted, Sims' friend is the victim referenced above. On October 30, 2023, Sims relocated to South Carolina, and the District of South Carolina agreed to accept courtesy supervision.

According to Sims' previous supervising officer, he was receiving \$900.00 per month in disability income. Sims was also participating in mental health treatment and prescribed several mental health medications.

Recommendation

The Probation Office respectfully recommends a supervised release violator's warrant be issued for Sims to determine the course of his supervision. He commenced his term of supervised release only a little over four months ago and has committed a severe new law violation, used cocaine, and is essentially homeless. Neither the District of South Carolina nor the Western District of North Carolina will supervise Sims due to his inability to maintain a suitable home plan.

The U.S. Attorney's Office has been notified of this recommendation.

Should Your Honor concur, the appropriate Order is attached. If Your Honor desires other action, please so advise.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,



Katie A. Clelland
U.S. Probation Officer

KAC:bd

Attachments

cc: Jeffrey Quinn McCarther, Assistant U.S. Attorney

Approved:  _____, Supervisor